

ENACT 'STRONG LAW' TO CLEANSE POLITICS: SC

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Further, both the candidate and the political party should declare the criminal antecedents of the former in widely-circulated newspapers. Finally, both the candidate and the political party should give "wide publicity" to the criminal record of the former by airing it on TV channels, not once, but thrice after the filing of nomination papers.

Legal experts say the judgement, which compels political parties to come clean about the criminal elements within their apparatus, is unique as it opens a new vista that "the process of breaking crime-politics nexus extends much beyond purity of legislators and encompasses purity of political parties as well".

Chief Justice Misra explained that the directions to political parties to go public about the criminal cases against their candidates is a step to "foster and nurture an informed citizenry". It is to protect the "culture and purity in politics".

Informed choice

It ensures that ordinary voters can have an "informed choice" about who he or she has to vote for in a country which already "feels agonised when money and muscle power become the supreme power".

The Chief Justice said criminals in power are nothing but a liability to this country. Their presence in power strikes at the roots of democracy.

"The best available people, as is expected by the democratic system, should not have criminal antecedents and the voters have a right to know about their antecedents, assets and other aspects... Citizens in a democracy cannot be compelled to stand as silent, deaf and mute spectators to corruption... Disclosure of antecedents makes the election a fair one and the exercise of the right of voting by the electorate also gets sanctified," Chief Justice Misra wrote.

Criminalisation of politics and corruption, especially at the entry level of elections, has become a national and economic terror. It is a disease which is self-destructive and becoming immune to antibiotics, Chief Justice Misra wrote.

'Parliament must act'

Chief Justice Misra said Parliament is obligated to act, as "criminalisation in politics is a bitter manifest truth, which is a termite to the citadel of democracy".

It noted with anguish that the Election Commission of India has its hands tied, helplessly watching as criminalisation of politics at the entry level is on the rise.

It addressed the submissions made by Attorney-General K.K. Venugopal.

"It is one thing to take cover under the presumption of innocence of the accused but it is equally imperative that persons who enter public life and participate in law making should be above any kind of serious criminal allegation," Chief Justice Misra said.

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